

1 **“§ 732. Treatment of whistleblower complaints**

2 “(a) FILING.—(1) In addition to any other method
3 established by law in which an employee may file a whistle-
4 blower complaint, an employee of the Department may file
5 a whistleblower complaint in accordance with subsection
6 (g) with a supervisor of the employee.

7 “(2) Except as provided by subsection (d)(1), in mak-
8 ing a whistleblower complaint under paragraph (1), an
9 employee shall file the initial complaint with the imme-
10 diate supervisor of the employee.

11 “(b) NOTIFICATION.—(1) Not later than four busi-
12 ness days after the date on which a supervisor receives
13 a whistleblower complaint by an employee under this sec-
14 tion, the supervisor shall notify, in writing, the employee
15 of whether the supervisor determines that there is a rea-
16 sonable likelihood that the complaint discloses a violation
17 of any law, rule, or regulation, or gross mismanagement,
18 gross waste of funds, abuse of authority, or substantial
19 and specific danger to public health and safety. The super-
20 visor shall retain written documentation regarding the
21 whistleblower complaint and shall submit to the next-level
22 supervisor and the central whistleblower office described
23 in subsection (h) a written report on the complaint.

24 “(2) On a monthly basis, the supervisor shall submit
25 to the appropriate director or other official who is superior
26 to the supervisor a written report that includes the num-

1 ber of whistleblower complaints received by the supervisor
2 under this section during the month covered by the report,
3 the disposition of such complaints, and any actions taken
4 because of such complaints pursuant to subsection (c). In
5 the case in which such a director or official carries out
6 this paragraph, the director or official shall submit such
7 monthly report to the supervisor of the director or official
8 and to the central whistleblower office described in sub-
9 section (h).

10 “(c) POSITIVE DETERMINATION.—If a supervisor
11 makes a positive determination under subsection (b)(1) re-
12 garding a whistleblower complaint of an employee, the su-
13 pervisor shall include in the notification to the employee
14 under such subsection the specific actions that the super-
15 visor will take to address the complaint.

16 “(d) FILING COMPLAINT WITH NEXT-LEVEL SUPER-
17 VISORS.—(1) If any circumstance described in paragraph
18 (3) is met, an employee may file a whistleblower complaint
19 in accordance with subsection (g) with the next-level su-
20 pervisor who shall treat such complaint in accordance with
21 this section.

22 “(2) An employee may file a whistleblower complaint
23 with the Secretary if the employee has filed the whistle-
24 blower complaint to each level of supervisors between the

1 employee and the Secretary in accordance with paragraph
2 (1).

3 “(3) A circumstance described in this paragraph are
4 any of the following circumstances:

5 “(A) A supervisor does not make a timely de-
6 termination under subsection (b)(1) regarding a
7 whistleblower complaint.

8 “(B) The employee who made a whistleblower
9 complaint determines that the supervisor did not
10 adequately address the complaint pursuant to sub-
11 section (c).

12 “(C) The immediate supervisor of the employee
13 is the basis of the whistleblower complaint.

14 “(e) TRANSFER OF EMPLOYEE WHO FILES WHIS-
15 TLEBLOWER COMPLAINT.—If a supervisor makes a posi-
16 tive determination under subsection (b)(1) regarding a
17 whistleblower complaint filed by an employee, the Sec-
18 retary shall—

19 “(1) inform the employee of the ability to vol-
20 unteer for a transfer in accordance with section
21 3352 of title 5; and

22 “(2) give preference to the employee for such a
23 transfer in accordance with such section.

1 “(f) PROHIBITION ON EXEMPTION.—The Secretary
2 may not exempt any employee of the Department from
3 being covered by this section.

4 “(g) WHISTLEBLOWER COMPLAINT FORM.—(1) A
5 whistleblower complaint filed by an employee under sub-
6 section (a) or (d) shall consist of the form described in
7 paragraph (2) and any supporting materials or docu-
8 mentation the employee determines necessary.

9 “(2) The form described in this paragraph is a form
10 developed by the Secretary, in consultation with the Spe-
11 cial Counsel, that includes the following:

12 “(A) An explanation of the purpose of the whis-
13 tleblower complaint form.

14 “(B) Instructions for filing a whistleblower
15 complaint as described in this section.

16 “(C) An explanation that filing a whistleblower
17 complaint under this section does not preclude the
18 employee from any other method established by law
19 in which an employee may file a whistleblower com-
20 plaint.

21 “(D) A statement directing the employee to in-
22 formation accessible on the Internet website of the
23 Department as described in section 735(c).

24 “(E) Fields for the employee to provide—

25 “(i) the date that the form is submitted;

1 “(ii) the name of the employee;

2 “(iii) the contact information of the em-
3 ployee;

4 “(iv) a summary of the whistleblower com-
5 plaint (including the option to append sup-
6 porting documents pursuant to paragraph (1));
7 and

8 “(v) proposed solutions to complaint.

9 “(F) Any other information or fields that the
10 Secretary determines appropriate.

11 “(3) The Secretary, in consultation with the Special
12 Counsel, shall develop the form described in paragraph (2)
13 by not later than 60 days after the date of the enactment
14 of this section.

15 “(h) CENTRAL WHISTLEBLOWER OFFICE.—(1) The
16 Secretary shall ensure that the central whistleblower of-
17 fice—

18 “(A) is not an element of the Office of the Gen-
19 eral Counsel;

20 “(B) is not headed by an official who reports to
21 the General Counsel;

22 “(C) does not provide, or receive from, the Gen-
23 eral Counsel any information regarding a whistle-
24 blower complaint except pursuant to an action re-

1 tion Board, the Office of Special Counsel, an adjudicating
2 body provided under a union contract, a Federal judge,
3 or the Inspector General of the Department determines
4 committed a prohibited personnel action described in sub-
5 section (c):

6 “(A) With respect to the first offense, an ad-
7 verse action that is not less than a 14-day suspen-
8 sion and not more than removal.

9 “(B) With respect to the second offense, re-
10 moval.

11 “(2)(A) Except as provided by subparagraph (B),
12 and notwithstanding subsections (b) and (c) of section
13 7513 and section 7543 of title 5, the provisions of sub-
14 sections (d) and (e) of section 713 of this title shall apply
15 with respect to an adverse action carried out under para-
16 graph (1).

17 “(B) An employee who is notified of being the subject
18 of a proposed adverse action under paragraph (1) may not
19 be given more than five days following such notification
20 to provide evidence to dispute such proposed adverse ac-
21 tion. If the employee does not provide any such evidence,
22 or if the Secretary determines that such evidence is not
23 sufficient to reverse the determination to propose the ad-
24 verse action, the Secretary shall carry out the adverse ac-
25 tion following such five-day period.

1 “(b) LIMITATION ON OTHER ADVERSE ACTIONS.—
2 With respect to a prohibited personnel action described in
3 subsection (c), if the Secretary carries out an adverse ac-
4 tion against a supervisory employee, the Secretary may
5 carry out an additional adverse action under this section
6 based on the same prohibited personnel action if the total
7 severity of the adverse actions do not exceed the level spec-
8 ified in subsection (a).

9 “(c) PROHIBITED PERSONNEL ACTION DE-
10 SCRIBED.—A prohibited personnel action described in this
11 subsection is any of the following actions:

12 “(1) Taking or failing to take a personnel ac-
13 tion in violation of section 2302 of title 5 against an
14 employee relating to the employee—

15 “(A) filing a whistleblower complaint in ac-
16 cordance with section 732 of this title;

17 “(B) filing a whistleblower complaint with
18 the Inspector General of the Department, the
19 Special Counsel, or Congress;

20 “(C) providing information or participating
21 as a witness in an investigation of a whistle-
22 blower complaint in accordance with section
23 732 or with the Inspector General of the De-
24 partment, the Special Counsel, or Congress;

1 “(2) The criteria described in this subsection are the
2 following:

3 “(A) Whether the supervisor treats whistle-
4 blower complaints in accordance with section 732.

5 “(B) Whether the appropriate deciding official,
6 performance review board, or performance review
7 committee determines that the supervisor was found
8 to have committed a prohibited personnel action de-
9 scribed in section 733(b) by an administrative judge,
10 the Merit Systems Protection Board, the Office of
11 Special Counsel, an adjudicating body provided
12 under a union contract, a Federal judge, or, in the
13 case of a settlement of a whistleblower complaint
14 (regardless of whether any fault was assigned under
15 such settlement), the Secretary.

16 “(b) BONUSES.—(1) The Secretary may not pay to
17 a supervisor described in subsection (a)(2)(B) an award
18 or bonus under this title or title 5, including under chapter
19 45 or 53 of such title, during the one-year period begin-
20 ning on the date on which the determination was made
21 under such subsection.

22 “(2) Notwithstanding any other provision of law, the
23 Secretary shall issue an order directing a supervisor de-
24 scribed in subsection (a)(2)(B) to repay the amount of any

1 award or bonus paid under this title or title 5, including
2 under chapter 45 or 53 of such title, if—

3 “(A) such award or bonus was paid for per-
4 formance during a period in which the supervisor
5 committed a prohibited personnel action as deter-
6 mined pursuant to such subsection (a)(2)(B);

7 “(B) the Secretary determines such repayment
8 appropriate pursuant to regulations prescribed by
9 the Secretary to carry out this section; and

10 “(C) the supervisor is afforded notice and an
11 opportunity for a hearing before making such repay-
12 ment.

13 **“§ 735. Training regarding whistleblower complaints**

14 “(a) TRAINING.—The Secretary, in coordination with
15 the Whistleblower Protection Ombudsman designated
16 under section 3(d)(1)(C) of the Inspector General Act of
17 1978 (5 U.S.C. App.), shall annually provide to each em-
18 ployee of the Department training regarding whistleblower
19 complaints, including—

20 “(1) an explanation of each method established
21 by law in which an employee may file a whistle-
22 blower complaint;

23 “(2) an explanation of prohibited personnel ac-
24 tions described by section 733(c) of this title;

1 “(3) with respect to supervisors, how to treat
2 whistleblower complaints in accordance with section
3 732 of this title;

4 “(4) the right of the employee to petition Con-
5 gress regarding a whistleblower complaint in accord-
6 ance with section 7211 of title 5;

7 “(5) an explanation that the employee may not
8 be prosecuted or reprimed against for disclosing in-
9 formation to Congress in instances where such dis-
10 closure is permitted by law, including under sections
11 5701, 5705, and 7732 of this title, under section
12 552a of title 5 (commonly referred to as the Privacy
13 Act), under chapter 93 of title 18, and pursuant to
14 regulations promulgated under section 264(c) of the
15 Health Insurance Portability and Accountability Act
16 of 1996 (Public Law 104–191);

17 “(6) an explanation of the language that is re-
18 quired to be included in all nondisclosure policies,
19 forms, and agreements pursuant to section
20 115(a)(1) of the Whistleblower Protection Enhance-
21 ment Act of 2012 (5 U.S.C. 2302 note); and

22 “(7) the right of contractors to be protected
23 from reprisal for the disclosure of certain informa-
24 tion under section 4705 or 4712 of title 41.

1 “(b) CERTIFICATION.—The Secretary shall annually
2 provide training on merit system protection in a manner
3 that the Special Counsel certifies as being satisfactory.

4 “(c) PUBLICATION.—(1) The Secretary shall publish
5 on the Internet website of the Department, and display
6 prominently at each facility of the Department, the rights
7 of an employee to file a whistleblower complaint, including
8 the information described in paragraphs (1) through (7)
9 of subsection (a).

10 “(2) The Secretary shall publish on the Internet
11 website of the Department, the whistleblower complaint
12 form described in section 732(g)(2).

13 **“§ 736. Reports to Congress**

14 “(a) ANNUAL REPORTS.—The Secretary shall annu-
15 ally submit to the Committees on Veterans’ Affairs of the
16 House of Representatives and the Senate, the Committee
17 on Oversight and Government Reform of the House of
18 Representatives, and the Committee on Homeland Secu-
19 rity and Governmental Affairs of the Senate a report that
20 includes—

21 “(1) with respect to whistleblower complaints
22 filed under section 732 during the year covered by
23 the report—

24 “(A) the number of such complaints filed;

1 “(B) the disposition of such complaints;
2 and

3 “(C) the ways in which the Secretary ad-
4 dressed such complaints in which a positive de-
5 termination was made by a supervisor under
6 subsection (b)(1) of such section;

7 “(2) the number of whistleblower complaints
8 filed during the year covered by the report that are
9 not included under paragraph (1), including—

10 “(A) the method in which such complaints
11 were filed;

12 “(B) the disposition of such complaints;
13 and

14 “(C) the ways in which the Secretary ad-
15 dressed such complaints; and

16 “(3) with respect to disclosures made by a con-
17 tractor under section 4705 or 4712 of title 41—

18 “(A) the number of complaints relating to
19 such disclosures that were investigated by the
20 Inspector General of the Department of Vet-
21 erans Affairs during the year covered by the re-
22 port;

23 “(B) the disposition of such complaints;
24 and

1 (B) by adding at the end the following new
2 items:

“SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

“731. Whistleblower complaint defined.

“732. Treatment of whistleblower complaints.

“733. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints.

“734. Evaluation criteria of supervisors and treatment of bonuses.

“735. Training regarding whistleblower complaints.

“736. Reports to Congress.”.

3 **SEC. 3. REDUCTION OF BENEFITS FOR MEMBERS OF THE**
4 **SENIOR EXECUTIVE SERVICE WITHIN THE**
5 **DEPARTMENT OF VETERANS AFFAIRS CON-**
6 **VICTED OF CERTAIN CRIMES.**

7 (a) IN GENERAL.—Chapter 7 of title 38, United
8 States Code, as amended by section 2, is further amended
9 by inserting after section 713 the following new section:
10 **“§ 715. Senior executives: reduction of benefits of in-**
11 **dividuals convicted of certain crimes**

12 “(a) REDUCTION OF ANNUITY FOR REMOVED EM-
13 PLOYEE.—The Secretary shall order that the covered serv-
14 ice of an individual removed from a senior executive posi-
15 tion under section 713 of this title shall not be taken into
16 account for purposes of calculating an annuity with re-
17 spect to such individual under chapter 83 or chapter 84
18 of title 5, if—

19 “(1) the individual is convicted of a felony that
20 influenced the individual’s performance while em-
21 ployed in the senior executive position; and

1 “(2) before such order is made, the individual
2 is afforded notice and an opportunity for a hearing
3 conducted by another department or agency of the
4 Federal Government.

5 “(b) REDUCTION OF ANNUITY FOR RETIRED EM-
6 PLOYEE.—(1) The Secretary may order that the covered
7 service of an individual who is subject to a removal or
8 transfer action under section 713 of this title but who
9 leaves employment at the Department prior to the
10 issuance of a final decision with respect to such action
11 shall not be taken into account for purposes of calculating
12 an annuity with respect to such individual under chapter
13 83 or chapter 84 of title 5, if—

14 “(A) the individual is convicted of a felony that
15 influenced the individual’s performance while em-
16 ployed in the senior executive position; and

17 “(B) before such order is made, the individual
18 is afforded notice and an opportunity for a hearing
19 conducted by another department or agency of the
20 Federal Government.

21 “(2) The Secretary shall make such an order not
22 later than seven days after the date of the conclusion of
23 a hearing referred to in paragraph (1)(B) that determines
24 that such order is lawful.

1 “(c) ADMINISTRATIVE REQUIREMENTS.—(1) Not
2 later than 30 days after the Secretary issues an order
3 under subsection (a) or (b), the Director of the Office of
4 Personnel Management shall recalculate the annuity of the
5 individual.

6 “(2) A decision regarding whether the covered service
7 of an individual shall be taken into account for purposes
8 of calculating an annuity under subsection (a) or (b) is
9 final and may not be reviewed by any department or agen-
10 cy or any court.

11 “(d) LUMP-SUM ANNUITY CREDIT.—Any individual
12 with respect to whom an annuity is reduced under sub-
13 section (a) or (b) shall be entitled to be paid so much of
14 such individual’s lump-sum credit as is attributable to the
15 period of covered service.

16 “(e) DEFINITIONS.—In this section:

17 “(1) The term ‘covered service’ means, with re-
18 spect to an individual subject to a removal or trans-
19 fer action under section 713 of this title, the period
20 of service beginning on the date that the Secretary
21 determines under such section that such individual
22 engaged in activity that gave rise to such action and
23 ending on the date that such individual is removed
24 from the civil service or leaves employment at the

1 Department prior to the issuance of a final decision
2 with respect to such action, as the case may be.

3 “(2) The term ‘lump-sum credit’ has the mean-
4 ing given such term in section 8331(8) or section
5 8401(19) of title 5, as the case may be.

6 “(3) The term ‘senior executive position’ has
7 the meaning given such term in section 713(g)(3) of
8 this title.

9 “(4) The term ‘service’ has the meaning given
10 such term in section 8331(12) or section 8401(26)
11 of title 5, as the case may be.”.

12 (b) APPLICATION.—The amendment made by sub-
13 section (a) shall apply to any action of removal or transfer
14 under section 713 of title 38, United States Code, com-
15 mencing on or after the date of the enactment of this sec-
16 tion.

17 (c) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 7 of such title is amended by
19 adding at the end the following new item:

“715. Senior executives: reduction of benefits of individuals convicted of certain
crimes.”.

20 **SEC. 4. REFORM OF PERFORMANCE APPRAISAL SYSTEM**
21 **FOR SENIOR EXECUTIVE SERVICE EMPLOY-**
22 **EES OF THE DEPARTMENT OF VETERANS AF-**
23 **FAIRS.**

24 (a) PERFORMANCE APPRAISAL SYSTEM.—

1 (1) IN GENERAL.—Chapter 7 of title 38, United
2 States Code, is further amended by inserting after
3 section 715 (as added by section 3) the following
4 new section:

5 **“§ 717. Senior executives: performance appraisal**

6 “(a) PERFORMANCE APPRAISAL SYSTEM.—(1) The
7 performance appraisal system for individuals employed in
8 senior executive positions in the Department required by
9 section 4312 of title 5 shall provide, in addition to the
10 requirements of such section, for five annual summary rat-
11 ings of levels of performance as follows:

12 “(A) One outstanding level.

13 “(B) One exceeds fully successful level.

14 “(C) One fully successful level.

15 “(D) One minimally satisfactory level.

16 “(E) One unsatisfactory level.

17 “(2) The following limitations apply to the rating of
18 the performance of such individuals:

19 “(A) For any year, not more than 10 percent
20 of such individuals who receive a performance rating
21 during that year may receive the outstanding level
22 under paragraph (1)(A).

23 “(B) For any year, not more than 20 percent
24 of such individuals who receive a performance rating

1 during that year may receive the exceeds fully suc-
2 cessful level under paragraph (1)(B).

3 “(3) In evaluating the performance of an individual
4 under the performance appraisal system, the Secretary
5 shall take into consideration—

6 “(A) any complaint or report (including any
7 pending or published report) submitted by the In-
8 spector General of the Department, the Comptroller
9 General of the United States, the Equal Employ-
10 ment Opportunity Commission, or any other appro-
11 priate person or entity, related to any facility or pro-
12 gram managed by the individual, as determined by
13 the Secretary;

14 “(B) efforts made by the individual to maintain
15 high levels of satisfaction and commitment among
16 the employees supervised by the individual; and

17 “(C) the criteria described in section 734(a)(2)
18 of this title.

19 “(b) CHANGE OF POSITION.—(1) At least once every
20 five years, the Secretary shall reassign each individual em-
21 ployed in a senior executive position to a position at a dif-
22 ferent location that does not include the supervision of the
23 same personnel or programs. The Secretary shall make
24 such reassignments on a rolling basis based on the date

1 on which an individual was originally assigned to a posi-
2 tion.

3 “(2) The Secretary may waive the requirement under
4 paragraph (1) for any such individual, if the Secretary
5 submits to the Committees on Veterans’ Affairs of the
6 Senate and House of Representatives notice of the waiver
7 and an explanation of the reasons for the waiver.

8 “(c) REPORT.—Not later than March 1 of each year,
9 the Secretary shall submit to the Committees on Veterans’
10 Affairs and Homeland Security and Governmental Affairs
11 of the Senate and the Committees on Veterans’ Affairs
12 and Oversight and Government Reform of the House of
13 Representatives a report on the performance appraisal
14 system of the Department under subsection (a). Each such
15 report shall include, for the year preceding the year during
16 which the report is submitted, each of the following:

17 “(1) All documentation concerning each of the
18 following for each individual employed in a senior
19 executive position in the Department:

20 “(A) The initial performance appraisal.

21 “(B) The higher level review, if requested.

22 “(C) The recommendations of the perform-
23 ance review board.

24 “(D) The final summary review.

1 “(E) The number of initial performance
2 ratings raised as a result of the recommenda-
3 tions of the performance review board.

4 “(F) The number of initial performance
5 ratings lowered as a result of the recommenda-
6 tions of the performance review board.

7 “(G) Any adverse action taken against any
8 such individual who receives a performance rat-
9 ing of less than fully successful.

10 “(2) The review of the Inspector General of the
11 Department of the information described in subpara-
12 graphs (A) through (D) of paragraph (1).

13 “(3) A summary of the documentation provided
14 under paragraph (1).

15 “(d) DEFINITION OF SENIOR EXECUTIVE POSI-
16 TION.—In this section, the term ‘senior executive position’
17 has the meaning given that term in section 713(g)(3) of
18 this title.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of such chapter is further
21 amended by inserting after the item relating to sec-
22 tion 715 the following new item:

“717. Senior executives: performance appraisal.”.

23 (3) CONFORMING AMENDMENT.—Section
24 4312(b) of title 5, United States Code, is amend-
25 ed—

1 (A) in paragraph (2), by striking “and” at
2 the end;

3 (B) in paragraph (3), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(4) that, in the case of the Department of
7 Veterans Affairs, the performance appraisal
8 system meets the requirements of section 717
9 of title 38.”.

10 (b) REVIEW OF SES MANAGEMENT TRAINING.—

11 (1) REVIEW.—Not later than 180 days after
12 the date of the enactment of this Act, the Secretary
13 of Veterans Affairs shall enter into a contract with
14 a nongovernmental entity to review the management
15 training program for individuals employed in senior
16 executive positions (as such term is defined in sec-
17 tion 713(g)(3) of title 38, United States Code) of
18 the Department of Veterans Affairs that is being
19 provided as of the date of the enactment of this Act.
20 Such review shall include a comparison of the train-
21 ing provided by the Department of Veterans Affairs
22 to the management training provided for senior ex-
23 ecutives of other Federal departments and agencies
24 and to the management training provided to senior
25 executives in the private sector. The contract shall

1 provide that the nongovernmental entity must com-
2 plete and submit to the Secretary a report con-
3 taining the findings and conclusions of the review by
4 not later than 180 days after the date on which the
5 Secretary and the nongovernmental entity enter into
6 the contract.

7 (2) REPORT TO CONGRESS.—Not later than 60
8 days after the date on which the Secretary receives
9 the report under paragraph (1), the Secretary shall
10 submit to the Committees on Veterans’ Affairs of
11 the Senate and House of Representatives the report
12 together with a plan for carrying out the rec-
13 ommendations contained in the report.

14 **SEC. 5. LIMITATION ON ADMINISTRATIVE LEAVE FOR MEM-**
15 **BERS OF THE SENIOR EXECUTIVE SERVICE**
16 **WITHIN THE DEPARTMENT OF VETERANS AF-**
17 **FAIRS.**

18 (a) IN GENERAL.—Chapter 7 of title 38, United
19 States Code, is further amended by inserting after section
20 717 (as added by section 4) the following new section:

21 **“§ 719. Administrative leave limitation and report**

22 **“(a) LIMITATION APPLICABLE TO MEMBERS OF THE**
23 **SENIOR EXECUTIVE SERVICE WITHIN THE DEPARTMENT**
24 **OF VETERANS AFFAIRS.—(1) The Secretary may not**
25 **place any covered individual on administrative leave, or**

1 any other type of paid non-duty status, for more than a
2 total of 14 days during any 365-day period.

3 “(2) The Secretary may waive the limitation under
4 paragraph (1) and extend the administrative leave or other
5 paid non-duty status of a covered individual placed on
6 such leave or status under paragraph (1) if the Secretary
7 submits to the Committees on Veterans’ Affairs of the
8 Senate and House of Representatives a detailed expla-
9 nation of the reasons the individual was placed on admin-
10 istrative leave or other paid non-duty status and the rea-
11 sons for the extension of such leave or status. Such expla-
12 nation shall include the name of the covered individual,
13 the location where the individual is employed, and the indi-
14 vidual’s job title.

15 “(3) In this subsection, the term ‘covered individual’
16 means an individual (as defined in section 713(g)(1)) oc-
17 cupying a senior executive position (as defined in section
18 714(g)(3))—

19 “(A) who is subject to an investigation for pur-
20 poses of determining whether such individual should
21 be subject to any disciplinary action under this title
22 or title 5; or

23 “(B) against whom any disciplinary action is
24 proposed or initiated under this title or title 5.

1 “(b) REPORT ON ADMINISTRATIVE LEAVE.—(1) Not
2 later than 30 days after the end of each quarter of any
3 calendar year, the Secretary shall submit to the Com-
4 mittee on Veterans’ Affairs and the Committee on Home-
5 land Security and Governmental Affairs of the Senate and
6 the Committee on Veterans’ Affairs and the Committee
7 on Oversight and Government Reform of the House of
8 Representatives a report listing the name of any employee
9 of the Department who has been placed on administrative
10 leave, or any other type of paid non-duty status, for a pe-
11 riod longer than 14 days during such quarter.

12 “(2) Any report submitted under paragraph (1) shall
13 include, with respect to any employee listed in such report,
14 the position occupied by the employee, the number of days
15 of such leave, the reason that such employee was placed
16 on such leave, and the steps the Department has taken
17 to resolve the reason such employee was placed on such
18 leave.”.

19 (b) APPLICATION.—

20 (1) ADMINISTRATIVE LEAVE LIMITATION.—Sec-
21 tion 719(a) of title 38, United States Code (as
22 added by subsection (a)), shall apply to any action
23 of removal or transfer under section 713 of such
24 title or title 5, United States Code, commencing on
25 or after the date of enactment of this section.

1 (2) REPORT.—The report under section 719(b)
2 of such title (as added by subsection (a)) shall begin
3 to apply in the quarter that ends after the date that
4 is 6 months after the date of enactment of this sec-
5 tion.

6 (c) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of such chapter is amended by inserting
8 after the item relating to section 717 the following new
9 item:

“719. Administrative leave limitation and report.”.

10 **SEC. 6. LIMITATION ON AWARDS AND BONUSES PAID TO**
11 **EMPLOYEES OF DEPARTMENT OF VETERANS**
12 **AFFAIRS.**

13 Section 705 of the Veterans Access, Choice, and Ac-
14 countability Act of 2014 (Public Law 113–146; 38 U.S.C.
15 703 note) is amended to read as follows:

16 **“SEC. 705. LIMITATION ON AWARDS AND BONUSES PAID TO**
17 **EMPLOYEES OF DEPARTMENT OF VETERANS**
18 **AFFAIRS.**

19 “The Secretary of Veterans Affairs shall ensure that
20 the aggregate amount of awards and bonuses paid by the
21 Secretary in a fiscal year under chapter 45 or 53 of title
22 5, United States Code, or any other awards or bonuses
23 authorized under such title or title 38, United States
24 Code, does not exceed the following amounts:

1 “(1) With respect to each of fiscal years 2016
2 through 2020, \$346,000,000.

3 “(2) With respect to each of fiscal years 2021
4 through 2024, \$360,000,000.”.

Amend the title so as to read: “A bill to amend title 38, United States Code, to improve the treatment of whistleblower complaints by the Secretary of Veterans Affairs, to improve the accountability of employees of the Department of Veterans Affairs, and for other purposes.”.

